

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28th day of February, two thousand eleven.

Before: DENNIS JACOBS,
Chief Judge,
JOSÉ A. CABRANES,
JOHN M. WALKER, JR.,
Circuit Judges.



CITY OF PONTIAC GENERAL EMPLOYEES' RETIREMENT SYSTEM
and SOUTHWEST CARPENTERS PENSION TRUST, on behalf of
themselves and all others similarly situated,

Plaintiffs-Appellants,

ANTHONY CAPONE, individually and on behalf of all others similarly
situated, TODD SIMON, individually and on behalf of all others similarly
situated, MARISS PARTNERS, LLP, individually and on behalf of all others
similarly situated, THOMAS CASSADY, individually and on behalf of all
others similarly situated, ALAN D. SADOWSKY, individually and on behalf
of all others similarly situated, and BARABARA S. KATZIN, individually and
on behalf of all others similarly situated,

Consolidated- Plaintiffs,

v.

MBIA, INC., JOSEPH W. BROWN, GARY C. DUNTON, NICHOLAS
FERRERI, NEIL G. BUDNICK, DOUGLAS C. HAMILTON, and RICHARD WEILL,

*Defendants- Appellees.**

JUDGMENT

Docket No. 09-4609-cv

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The appeal in the above captioned case from the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is VACATED and the case is REMANDED for reconsideration of the application of the statute of limitations in light of Merck and this opinion. The district court is also instructed to rule on Defendants-Appellees' statute of repose and Rule 9(b) arguments in accordance with the opinion of this Court.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

FOR THE COURT,

Catherine O'Hagan Wolfe, Clerk



* The Clerk of Court is respectfully instructed to amend the official caption as shown above.

MANDATE ISSUED ON 03/25/2011